

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MANZELL LATHAN,

Plaintiff,

v.

CASE NO. 18-13220  
HON. DENISE PAGE HOOD

EQUIFAX INFORMATION SERVICES, LLC,  
TRANS UNION, LLC,  
SYNCHRONY BANK,  
ONE DETROIT CREDIT UNION,

Defendants.

**ORDER DISMISSING CASE WITHOUT PREJUDICE FOR FAILURE TO  
PROSECUTE**

On April 29, 2019, the Court granted Plaintiff Manzell Lathan's ("Lathan") counsel's Motions to Withdraw (Doc # 33; Doc # 39). (Doc # 44) The Court found that there was a complete breakdown in the attorney-client relationship between Lathan and his counsel because his counsel could not get in contact with Lathan. (*Id.*) In the Court's Order, the Court indicated to Lathan that he would have 30 days from the date the Order was entered to secure new counsel. (*Id.*) If Lathan did not secure new counsel by that date, the Court stated that he would proceed in this case on a *pro se* basis. (*Id.*) Further, the Court set a status conference for May 20, 2019, 2:00 p.m. and ordered that if Lathan did not secure new counsel by that date, he was required to appear at the status conference

himself. (*Id.*) The Court stated that if Lathan failed to appear, his case might be dismissed for lack of prosecution. (*Id.*) Lathan neglected to appear at his status conference on May 20, 2019 without contacting the Court beforehand and the docket does not reflect that new counsel has filed an appearance to represent Lathan.

“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted.” *Link v. Wabash R. Co.*, 370 U.S. 626, 629 (1962). “The power to invoke this sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts.” *Link*, 370 U.S. at 629-630. The Court finds that Lathan’s actions have caused this case to be unduly delayed by his failure to appear at his status conference. Consequently, the Court dismisses this case without prejudice for failure to prosecute.

Accordingly,

IT IS HEREBY ORDERED Plaintiff Manzell Lathan’s case is dismissed without prejudice for failure to prosecute.

s/Denise Page Hood  
U. S. District Court

DATED: June 3, 2019